

February 10, 2003

Randy Scott, Plant Manager
Sunnyside Cogeneration Association
P.O. Box 159
Sunnyside, Utah 84539

Re: Water Monitoring Amendment Denied, Sunnyside Cogeneration Association (SCA), Sunnyside Refuse/Slurry, C/007/035 AM02B, Outgoing File

Dear Mr. Scott:

The above-referenced amendment has been reviewed and the deletion of the water monitoring points is hereby denied. Water monitoring is an integral part of the coal regulations and monitoring must continue through operational and reclamation phases of mining. We do recognize the valuable analysis and rational that went into this proposed amendment. It is therefore requested that the information and figures that were included with this amendment be submitted for incorporation into your mining and reclamation plan (see the enclosed TA for details). Please submit these for incorporation by March 13, 2003.

Switching to another (although related) issue, your recently approved permit renewal application included an updated plan with two changes identified: "Soils for Fire Suppression" (conditionally approved January 16, 2003) and the "Deletion of Water Monitoring Points" (denied by this letter). Your updated plan submitted for the renewal, prematurely deleted the monitoring that must continue to be conducted and which is the subject of this letter. In order to keep your plan consistent with what has been approved, you will need to return the deleted water monitoring section to it. Therefore, please submit those applicable pages by March 13, 2003 as well.

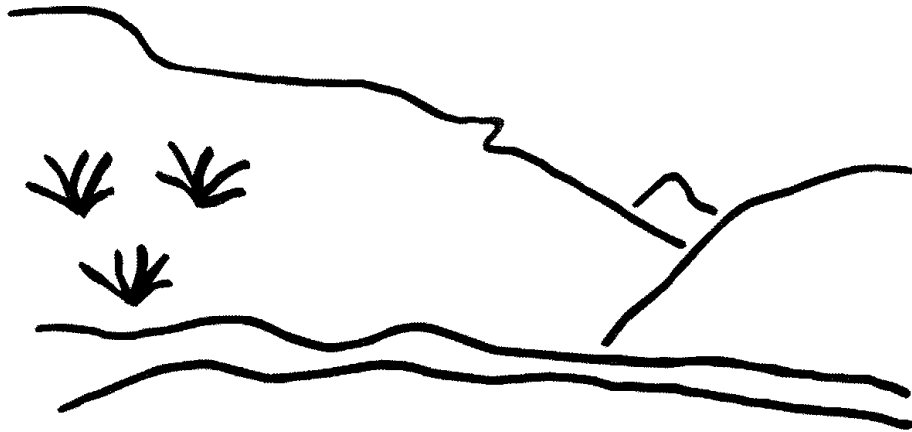
If you have any questions, please call me at (801) 538-5325 or Mike Suflita at (801) 538-5259.

Sincerely,

Daron Haddock
Permit Supervisor

an
Enclosure
cc: Price Field Office
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State of Utah



Utah Oil Gas and Mining

Coal Regulatory Program

Sunnyside Refuse and Slurry
Water Monitoring
C/007/035-AM02B
Technical Analysis
February 7, 2003

TECHNICAL ANALYSIS

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The Division ensures compliance with the Surface Mining Control and Reclamation Act of 1977 (SMCRA). When mines submit a Permit Application Package or an amendment to their Mining and Reclamation Plan, the Division reviews the proposal for conformance to the R645-Coal Mining Rules. This Technical Analysis is such a review. Regardless of these analyses, the permittee must comply with the minimum regulatory requirements as established by SMCRA.

Readers of this document must be aware that the regulatory requirements are included by reference. A complete and current copy of these regulations and a copy of the Technical Analysis and Findings Review Guide can be found at <http://ogm.utah.gov/coal>

This Technical Analysis (TA) is written as part of the permit review process. It documents the Findings that the Division has made to date regarding the application for a permit and is the basis for permitting decisions with regard to the application. The TA is broken down into logical section headings which comprise the necessary components of an application. Each section is analyzed and specific findings are then provided which indicate whether or not the application is in compliance with the requirements.

Often the first technical review of an application finds that the application contains some deficiencies. The deficiencies are discussed in the body of the TA and are identified by a regulatory reference which describes the minimum requirements. In this Technical Analysis we have summarized the deficiencies at the beginning of the document to aid in responding to them. Once all of the deficiencies have been adequately addressed, the TA will be considered final for the permitting action.

It may be that not every topic or regulatory requirement is discussed in this version of the TA. Generally only those sections are analyzed that pertain to a particular permitting action. TA's may have been completed previously and the revised information has not altered the original findings. Those sections that are not discussed in this document are generally considered to be in compliance.

INTRODUCTION

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On December 10, 2002 the Division received an amendment which proposed to eliminate all water monitoring at the SCA site. This document is a review of the Hydrology aspects of that proposed amendment and there are deficiencies.

OPERATION PLAN

OPERATION PLAN

HYDROLOGIC INFORMATION

Regulatory Reference: 30 CFR Sec. 773.17, 774.13, 784.14, 784.16, 784.29, 817.41, 817.42, 817.43, 817.45, 817.49, 817.56, 817.57; R645-300-140, -300-141, -300-142, -300-143, -300-144, -300-145, -300-146, -300-147, -300-148, -301-512, -301-514, -301-521, -301-531, -301-532, -301-533, -301-536, -301-542, -301-720, -301-731, -301-732, -301-733, -301-742, -301-743, -301-750, -301-761, -301-764.

Analysis:

Groundwater Monitoring and Surface Water Monitoring

The amendment presents a detailed analysis of the water quantity and quality data gathered from March 1996 to May 2002. This data is compared to the baseline data gathered from 1993 through 1995 that is already contained in the Mining and Reclamation Plan (MRP). The site has a total of 6 monitoring sites identified as:

- Icelfinder Creek
- Columbia Dugway Spring
- Coarse Refuse Seep Source
- Coarse Refuse Seep Boundary
- Dragerton Well
- Borehole B-6

The amendment has a graph for each of the following parameters plotting all of the sites during the 1996 to 2002 timeframes.

- | | |
|-------------------------|-----------------------|
| • Water Flow | • Total Iron |
| • Water Temperature | • Dissolved Iron |
| • Dissolved Oxygen | • Total Manganese |
| • PH | • Dissolved Manganese |
| • Specific Conductivity | |

All of the raw data for these parameters for all 6 sites is presented in Table 2, Analytical Results, and Table 1, Field Parameter Data. Stiff Diagrams for all sites are presented in Figure 11 through Figure 14. All of these data are based on the requirements contained in the current, updated MRP. Review of all this data shows no discernable impact to water quality or quantity. Based on these presentations, the Operator has asked that all water monitoring be stopped at the SCA site.

In some instances the coal mining regulations are subject to interpretation and some latitude is available. However, the regulations governing ground water and surface water monitoring are well defined. For example, paragraphs 731.214 indicates, "Ground-water monitoring will proceed through mining and continue during reclamation until bond release." and paragraph 731.224 indicates "Surface-water monitoring will proceed through mining and continue during reclamation until bond release." Similarly, paragraphs 731.212 and 731.223 indicate ground water and surface water "monitoring data will be submitted at least every three months for each monitoring location." In order to comply with these regulations, the SCA facility must continue monitoring surface water and ground water all the way through the operational phase, through reclamation, and until the bond release. Similarly, the frequency of monitoring cannot be reduced below that required by regulation, as explained above.

In addition to the regulatory requirements, there are several compelling logical reasons for surface and groundwater monitoring to continue. The SCA facility is still an active site and is expected to continue operating for the next 20 years. Past monitoring results, positive or negative, are not a predictor of future results. The continued operation until 2023 will take place over different areas and at different elevations. Monitoring must continue to be sure these different situations do not have adverse effects. The regulations have been written to protect the public and to protect the Operator. Suspending water monitoring would end this protection and cannot be allowed. Further, in order to have bond release, the Operator will need to provide a demonstration, based on evidence, that their operations have not had any detrimental impact on the Hydrologic Balance. Without continuous water monitoring data, such a demonstration would not be possible. Without such data, the Operator would risk not being granted bond release.

While considering the request to suspend surface and ground water monitoring at SCA, the Division reviewed other similar sites administered by the Division. Similar sites are those having disturbed areas and permit areas that are approximately equal and are not actual coal mining sites. These sites are listed in the following table.

OPERATION PLAN

Site	Disturbed Area	Permit Area	Number of Monitoring Sites	Permit Acres Per Monitoring Site
Banning Loadout	21.6	36.42	6	6
Savage Coal Terminal	122.28	160	13	12
Sunnyside Cogeneration	202	310	6	52
Wildcat Loadout	63.7	100	10	10

The permit area was used to calculate the number of acres per monitoring site since the sites are located throughout the whole permit area, and not just the disturbed area. The above table indicates that SCA has the largest number of acres per monitoring site. That is, SCA has the least monitoring of any of the sites. When considering that two of the sites have been reported as dry since the beginning of monitoring, the actual monitoring is even less at SCA.

Again considering other sites, it's noteworthy that ALL sites have water monitoring. There are no sites where water monitoring has been suspended for any reason. This includes those sites which are no longer operational and have completed reclamation and are awaiting bond release.

The Operator is commended for a high-quality presentation of the water monitoring data. More importantly, it's apparent that no negative impacts have resulted from the SCA operations. The Division would ask that the presentations be revised and resubmitted according to the following. Include the data as a separate appendix summarizing the data to the dates indicated. Revise the graphs to be at the same horizontal and vertical scale as those contained in the MRP for baseline data. The same scale makes comparison much easier for the Operator, the Division, and for whoever reads the document. Otherwise, retain the tables and revise the narrative to remove the request for cessation of water monitoring.

Findings:

The proposed amendment does not meet regulatory requirements. Accordingly, the permittee must address those deficiencies as found within this Technical Analysis and provide the following, prior to approval, in accordance with the requirements of:

R645-301-121.200, Provide an appendix to the MRP including the graphs, charts, and text of this amendment, modified to simply include the data in the MRP while continuing to perform all water monitoring previously committed to in the MRP. Modify the graphs to be the same horizontal and vertical scale as those already in the MRP for baseline data.

Based on **R645-301-731.214, -731.224, -731.212, and -731.223**, the request to eliminate water monitoring is denied.

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